

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEMINI TRUST COMPANY, LLC,

Plaintiff,

v.

DIGITAL CURRENCY GROUP, INC.
and BARRY SILBERT,

Defendants.

Case No. 1:23-cv-06864-LJL [rel. 23-2027]

Hon. Lewis J. Liman

ORAL ARGUMENT REQUESTED

**DECLARATION OF CAROLINE HICKEY ZALKA IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS THE COMPLAINT**

I, Caroline Hickey Zalka, declare the following under penalty of perjury:

1. I am an attorney duly admitted to practice before this Court and a member of Weil, Gotshal & Manges LLP, counsel for Defendants Digital Currency Group, Inc. (“DCG”) and Barry Silbert (collectively, the “Defendants”). I submit this Declaration in support of Defendants’ Motion to Dismiss the Complaint (the “Motion”).

2. True and correct copies of the following documents cited in the accompanying Memorandum of Law in Support of the Motion are attached as exhibits A and B:

| <u>Exhibit</u> | <u>Description</u> |
|-----------------------|---|
| A | Master Digital Asset Loan Agreement among Genesis Global Capital, LLC, Gemini Trust Company, and each Gemini Earn Lender. |
| B | June 30, 2022 Promissory Note between DCG, Genesis Global Capital, LLC, and Genesis Asia Pacific Pte. Ltd. |

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 10, 2023
New York, New York

/s/ Caroline Hickey Zalka

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